

charged to be adulterated and misbranded under the provisions of the law applicable to food, as reported in notices of judgment on foods.

On April 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**357. Adulteration and misbranding of Sea-Clo-400-D. U. S. v. 4 Cans of Sea-Clo-400-D. Default decree of condemnation and destruction. (F. D. C. No. 1611. Sample No. 78465-D.)**

This veterinary product contained not more than 200 A. O. A. C. chick units of vitamin D per gram and contained less than 500 U. S. P. units of vitamin A; whereas it was represented in the labeling that it contained 400 A. O. A. C. units of vitamin D per gram and that it contained substantially 1,000 units of vitamin A per gram.

On March 14, 1940, the United States attorney for the Northern District of West Virginia filed a libel against 4 50-pound cans of Sea-Clo-400-D at Martinsburg, W. Va., alleging that the article had been shipped in interstate commerce on or about January 2, 1940, by Sea Board Supply Co., Inc., from Philadelphia, Pa.; and charging that it was adulterated and misbranded. It was labeled in part: "Sea-Clo-400-D Highly Fortified Cod Liver Oil in Dry Base."

The article was alleged to be adulterated in that its strength differed from and its purity fell below that which it purported or was represented to possess, that is, it was labeled: "Guaranteed to contain 400 A. O. A. C. units of Vitamin D per gram. When this product is packed it contains more than 1000 Units of Vitamin 'A' per gram, but due to a difference of opinion of our many Authorities regarding the stability of Vitamin 'A' from Cod Liver Oil when added to feeds, we are making no claim for it."

It was alleged to be misbranded in that the following statements appearing on the label were false and misleading: "Sea-Clo-400-D \* \* \* In place of each 4½ lbs. straight 85-D Oil, use 1 lb. Sea-Clo-400-D. In place of each 1 lb. Fortified 400-D Oil, use 1 lb. Sea-Clo-400-D. For each 5 pints 85-D Oil used, replace with 1 lb. Sea-Clo-400-D."

On November 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING THERAPEUTIC CLAIMS**

**DRUGS ALSO FAILING TO BEAR COMMON OR USUAL NAME OR REQUIRED INGREDIENT STATEMENT**

**358. Misbranding of Alpine Tea. U. S. v. 57 Packages of Alpine Tea. Default decree of condemnation and destruction. (F. D. C. No. 3219. Sample No. 26435-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. The statement of analysis on the label was misleading since it represented the analysis of the ash and not of the tea itself. Its label also failed to bear a statement of its common name.

On October 21, 1940, the United States attorney for the District of Oregon filed a libel against 57 packages of Alpine Tea at Rainier, Oreg., alleging that the article had been shipped in interstate commerce by the Alpine Tea Co. on or about September 2, 1939, from Detroit, Mich.; and charging that it was misbranded.

Analysis showed that the article consisted of cut dried leaves of blueberry.

The article was alleged to be misbranded in that representations in the labeling that it would be efficacious to balance the deficiency of body minerals; stimulate the pancreatic glands, kidneys, bladder, and liver; increase vitality amazingly and almost immediately, which increase would continue throughout the day; would help one get a good night's rest; would serve as an effective aid to the diabetic's diet, and would decrease the need for insulin; and that it was not only efficacious for diabetics but was also good for other ailments such as those of the liver, spleen, kidneys, bladder, and for stomach ulcers, were false and misleading since it would not be efficacious for such purposes.

It was alleged to be misbranded further in that the following statements in the labeling, (carton) "Analysis: Silica (SiO<sub>2</sub>) 10.99%; Iron Oxide (Fe<sub>2</sub>O<sub>3</sub>) 1.90%; Manganese Oxide (Mn<sub>2</sub>O<sub>4</sub>) 5.10%; Aluminum Oxide (Al<sub>2</sub>O<sub>3</sub>) 11.38%; Calcium Oxide (CaO) 21.84%; Magnesium Oxide (MgO) 7.27%; Sodium Na (as Na<sub>2</sub>O) 7.11%; Potassium K (as K<sub>2</sub>O) 10.06%; Sulphate (SO<sub>3</sub>) 5.32%; Phosphate (P<sub>2</sub>O<sub>5</sub>) 5.86%; Carbonate (60<sub>2</sub>) 10.17%; Chloride (Cl) 2.00%; Free